



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 13 2018

OFFICE OF  
AIR AND RADIATION

Mr. Jerrod Patterson  
Hagens Berman Sobol Shapiro LLP  
1918 8<sup>th</sup> Avenue  
Suite 3300  
Seattle, Washington 98101

Subject: Freedom of Information Act request, EPA-HQ-2018-011365

Dear Mr. Patterson:

This is in response to your Freedom of Information request received September 11, 2018. You requested documents reflecting any testing, analysis, or work performed to evaluate BMW diesel X5 (model years 2009 to 2013), and BMW diesel 335d (model years 2009 to 2011) vehicles for "defeat devices," as defined by 40 CFR 86.1803-01 or undisclosed Auxiliary Emissions Control Devices (AECDS). We have no responsive records to this request beyond the standard emissions test results which are available on EPA's website at <https://www.epa.gov/compliance-and-fuel-economy-data/annual-certification-data-vehicles-engines-and-equipment> (see Light-Duty Vehicles and Trucks Archive Model Years 1979-2013).

There is no cost for the processing of this request.

This letter concludes our response to your request. You may appeal this response by email at [hq.foia@epa.gov](mailto:hq.foia@epa.gov), or by mail to EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460 or through FOIAonline if you are an account holder. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, NW, William Jefferson Clinton North Building, Room 5315, Washington, DC 20460.

Your appeal must be made in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

Additionally, you may seek assistance from EPA's FOIA Public Liaison at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; e-mail, [ogis@nara.gov](mailto:ogis@nara.gov); telephone, (202) 741-5770 or (877) 684-6448; and facsimile, (202) 741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron J. Bunker", is written over the typed name.

Byron J. Bunker, Director  
Compliance Division  
Office of Transportation and Air Quality